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PREHISTORIC TRACKWAYS STUDY ACT OF 1990

OCTOBER 3 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2684]

The Committee on Energy and Natural Resources to which was referred the bill (S. 2684) to authorize a study of methods to protect and interpret the nationally significant fossil trackways found in the Robledo Mountains near Las Cruces, New Mexico, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prehistoric Trackways Study Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) fossils are important for scientific studies of prehistoric life on earth;

(2) lands administered by the Bureau of Land Management in the Robledo Mountains in New Mexico contain one of the most important fossil discoveries of the 20th century;

(3) discoveries have included prehistoric tracks of amphibians, reptiles, arthropods and insects, extensive plant fossils, and clues to the weather and climate of the period;

(4) fossil footprints that form trackways help scientists recreate the environment and habitat that supported prehistoric life;

(5) nearly one hundred trackways from the Permain Age have been uncovered in the Robledo Mountains;

(6) the trackways are over 280 million years old and they document the emergence of life from water to land;

(7) the trackways are unique in length and represent most taxonomic groups, including many prints of previously unknown animals;

(8) the trackways and other fossils are being lost for scientific study through unsupervised collecting, and commercial quarrying; and

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(9) the trackways and fossils found in the Robledo Mountains and surrounding areas should be evaluated for their potential protection and value for scientific interpretation and education.

(b) PURPOSES.—The purposes of this Act are to—

(1) require the Secretary of the Interior to conduct a study to consider appropriate means to protect the discoveries and identify the scientific, interpretive, and public education values associated with the trackways and fossils located in the Robledo Mountains in southeastern New Mexico; and

(2) provide for interim protection of such trackways and fossils.

SEC. 3. INTERIM WITHDRAWAL.

(a) IN GENERAL.—The area consisting of approximately 736 acres as generally depicted on the map entitled "Prehistoric Trackways Study Area" numbered NM 030–01 and dated September, 1990, (hereafter referred to as the "study area") is hereby withdrawn, subject to valid existing rights, from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, or patent under the mining laws, but not from operation under the mineral leasing laws. Such withdrawal shall terminate on the date 2 years after the date the study referred to in section 4 is transmitted to Congress.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management, Department of the Interior.

SEC. 4. STUDY.

(a) STUDY.—(1) The Secretary of the Interior (hereafter referred to as the "Secretary"), in cooperation with State and local governments, and institutions of higher education, shall conduct a study of the alternatives for the protection and interpretation of the fossil resources within the study area.

(2) The study shall include an analysis of the importance of the discoveries at the site and an evaluation of the feasibility of developing a facility in New Mexico to evaluate, curate, display, and interpret the fossil resources located within the study area.

(3) The study shall recommend the preferred administrative designation for the area, including but not limited to potential designation as a unit of the National Park System, and the appropriate management agency.

(b) TRANSMITTAL TO CONGRESS.—Not later than 1 year after the date that funds are made available for the study required in subsection (a), the Secretary shall transmit such study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 2684, as ordered reported, is to direct the Secretary of the Interior to conduct a study of the alternatives for the protection and interpretation of the fossil trackways located in the Robledo Mountains near Las Cruces, New Mexico.

BACKGROUND AND NEED

Three years ago, in the Robledo Mountains outside of Las Cruces, New Mexico, a large number of fossil trackways were discovered, dating back as much as 280 million years. Trackways uncovered to date at this site have included fossilized prints of primitive scorpions, giant centipedes and millipedes, crabs, flying insects, and reptiles, many of which were previously unknown. In addition to the animal tracks, the site contains the remains of many types of plants and even meteorological conditions—280 million year old raindrop fossils.

Many of the trackways, which are among the oldest ever discovered, are almost perfectly preserved. In addition, some of the tracks

are preserved intact for lengths up to 25 feet, by far the longest complete segments ever recovered. Discovery of these trackways is especially important as fossils containing all four footprints of an animal along with one additional step allow scientists to accurately determine the size and structure of the animal making the tracks. The fossils are located on Federal land managed by the Bureau of Land Management.

LEGISLATIVE HISTORY

S. 2684 was introduced by Senators Bingaman and Domenici on May 24, 1990. Companion legislation, H.R. 4945, has been introduced in the House of Representatives by Congressman Skeen. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 2684 on July 27, 1990.

At the business meeting on September 19, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2684, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 19, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2684, if amended as described herein.

The roll call vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin [1]	
Mr. Akaka [1]	
Mr. McClure	
Mr. Hatfield [1]	
Mr. Domenici [1]	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles [1]	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 2684, the Committee adopted an amendment in the nature of a substitute. In addition to making several technical, clarifying and conforming changes, the amendment corrected the acreage of the land to be withdrawn from 40 to 736 acres. The Committee notes that this modification simply cor-

rects an error in S. 2684 as introduced, and that the actual size of the withdrawal area remains unchanged.

The amendment also provides that the Secretary of the Interior, in preparing the study of the trackways, is to evaluate the possibility of designating the area as a unit of the National Park System.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Prehistoric Trackways Study Act of 1990."

Section 2 contains the Congressional findings and purposes.

Section 3 withdraws approximately 736 acres, as depicted on the described map, from the operation of the public land and mining laws, but not the mineral leasing laws. The withdrawal is to terminate on the date 2 years after the date the study referred to in section 4 is transmitted to Congress.

Section 4(a) requires that the Secretary of the Interior conduct a study of the alternatives for the protection and interpretation of the fossil resources. The study, which is to be conducted in cooperation with State and local governments, and institutions of higher education, is to include an evaluation of the feasibility of developing a facility in New Mexico to evaluate, curate, display and interpret the fossil resources. The study is to recommend a preferred alternative for the area, including potential designation as a unit of the National Park System.

Subsection (b) provides that the Secretary shall transmit the study to the Congress within one year after the date that funds are made available for the study.

Section 5 authorizes the appropriation of such sums as may be necessary to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2684, the Prehistoric Trackways Study Act of 1990, as ordered reported by the Senate Committee on Energy and Natural Resources on September 19, 1990. CBO estimates that enacting S. 2694 would cost the federal government about $125,000, assuming the appropriation of funds necessary to complete a study required by the bill.

The bill would require the Secretary of the Interior to conduct a study to consider appropriate means to protect the discoveries and identify scientific and educational values associated with prehistoric trackways and fossils located in the Robledo Mountains in southeastern New Mexico. The bill would authorize such sums as are

necessary to conduct and transmit a study to Congress within one year.

S. 2694 also would provide interim protection of the study area by withdrawing it from all forms of use under public land and mining laws. This interim protection would expire two years after the date that the required study is transmitted to Congress.

Enacting this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Pete Fontaine, who can be reached at 226–2860.

Sincerely,

ROBERT F. HALE,
(For Robert D. Reischauer, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2684. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2684, as reported.

EXECUTIVE COMMUNICATIONS

On June 13, 1990 and July 17, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 2684. These reports had not been received at the time the report on S. 2684 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing follows:

STATEMENT OF DEAN STEPANEK, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR

I appreciate the opportunity to appear here today to discuss S. 2684, a bill that would authorize a study of methods to protect and interpret the nationally significant fossil trackways found in Robledo Mountains near Las Cruces, New Mexico. These trackways are on land administered by the Bureau of Land Management (BLM), in our Mimbres Resource Area.

We support enactment of S. 2684 but suggest some amendments which we believe will strengthen the bill and provide additional protection for this invaluable resource.

The trackways are estimated to be 280 million years old. These are vertebrate fossils that range from small lizard-

like reptiles to large prints made by 5-foot-long sprawling quadrupeds. Among the numerous plant fossils are branches of primitive conifers that are more than 5 feet long. The trackways are believed to be some of the most outstanding ever discovered.

The paleo excavation is being conducted by Jerry McDonald, a New Mexico State University student working on a Ph.D. in Sociology under a permit issued by the BLM. The project is being sponsored by the Smithsonian Institution, the Carnegie Museum of Natural History in Pittsburgh and the Los Angeles County Museum of Natural History. The BLM has provided some support to the research effort. Dona Ana County provides laboratory space at Southern New Mexico Fairgrounds for storage and analysis of the excavated trackways under an agreement with the BLM.

The BLM is ready to begin more extensive studies which will provide a basis for permanent protection, management and curation of the Trackways.

We also suggest that the temporary withdrawal provided by Section 3(a) be expanded from 40 to 736 acres to include areas where surveys have identified trackway sites.

In the Resource Management Plan now being developed for the Mimbres Resource Area we plan to designate and manage the area to be withdrawn by the bill as an area of critical environmental concern until Congress acts on any recommendations of the study required by section 4 of the bill.

We will be happy to work with committee staff on these suggested amendments.

This concludes my prepared statement. I will be pleased to answer questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2684, as ordered reported.

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